



Ron Chapman, MD, MPH
Director & State Health Officer

State of California—Health and Human Services Agency
California Department of Public Health

DRINKING WATER FIELD OPERATIONS BRANCH

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EDMUND G. BROWN JR.
Governor

September 12, 2013

Water System No. 4901404

April Xie
Ektimo Wines LLC
DBA Ross Road Custom Crush
4950 Ross Road
Sebastopol, CA 95472

CITATION NO. 02-18-13C-051 FOR FAILURE TO SUBMIT A WATER SUPPLY PERMIT APPLICATION

Enclosed is a Citation issued to the Ektimo Wines LLC (System) water system.

Your System will be billed at the Department's hourly rate (currently estimated at \$126.00) for the time spent on issuing this citation since this is an enforcement action for noncompliance with State regulations. At this time, we have spent approximately one hour on enforcement activities associated with this violation.

You will receive a bill sent from our Fee Billing Unit in Sacramento by August 1, 2014. This bill will contain fees for any enforcement time spent on your System.

If you have any questions regarding this matter, please contact Cindi Lee of my staff at (707) 576-2422 or me at (707) 576-2006.

Sincerely,

Janice M. Thomas, P.E.
Sonoma District Engineer
Drinking Water Field Operations Branch

Enclosure

C Sonoma County PRMD (w/o enclosures)
Jim Tyler/Sonoma County Environmental Health Division (w/o enclosures)

STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC HEALTH

Name of Public Water System: Ektimo Wines LLC

Water System No: 4901404

To: April Xie
Ektimo Wines LLC
4950 Ross Road
Sebastopol, CA 95472

Issued: September 12, 2013

CITATION FOR NONCOMPLIANCE
With Title 22 of the California Code of Regulations Section 64001 and
California Health and Safety Code Section 116525(a)

Section 116650 of the California Health and Safety Code (CHSC), authorizes the issuance of a citation for failure to comply with a requirement of California Safe Drinking Water Act (CHSC, Division 104, Part 12, Chapter 4, commencing with Section 116270), or any regulation, standard, permit or order issued thereunder.

The Division of Drinking Water and Environmental Management of the State of California Department of Public Health (Department) hereby issues a citation to Ektimo Wines LLC (System) for failure to comply with Title 22,



1 California Code of Regulations (CCR) Section 64001 and CHSC, Section
2 116525(a).
3

4 **APPLICABLE AUTHORITIES**

5
6 Section 116650 of the CHSC states in relevant part:

- 7
- 8 (a) If the department determines that a public water system is in violation of this
9 chapter or any regulation, permit, standard, citation, or order issued or adopted
10 thereunder, the department may issue a citation to the public water system. The
11 citation shall be served upon the public water system personally or by certified
12 mail. Service shall be deemed effective as of the date of personal service or the
13 date of receipt of the certified mail. If a person to whom a citation is directed
14 refuses to accept delivery of the certified mail, the date of service shall be
15 deemed to be the date of mailing.
- 16
- 17 (b) Each citation shall be in writing and shall describe the nature of the violation or
18 violations, including a reference to the statutory provision, standard, order,
19 citation, permit, or regulation alleged to have been violated.
- 20
- 21 (c) A citation may specify a date for elimination or correction of the condition
22 constituting the violation.
- 23
- 24 (d) A citation may include the assessment of a penalty as specified in subdivision
25 (e).
- 26
- 27 (e) The department may assess a penalty in an amount not to exceed one thousand
dollars (\$1,000) per day for each day that a violation occurred, and for each day
that a violation continues to occur. A separate penalty may be assessed for
each violation.



1 California Code of Regulations (CCR), Section 64001 states in relevant part:

2 A public water system shall submit an application for a permit or amended permit
3 pursuant to section 116525 or section 116550, Health and Safety Code,
4 respectively.

5
6 California Health and Safety Code, Section 116525(a) states in relevant
7 part:

8 No person shall operate a public water system unless he or she first submits an application
9 to the department and receives a permit as provided in this chapter.

10
11 California Health and Safety Code, Section 116275 (h) states in relevant
12 part:

13 "Public water system" means a system for the provision of water for human
14 consumption through pipes or other constructed conveyances that has 15 or more
15 service connections or regularly serves at least 25 individuals daily at least 60 days
16 out of the year.

17 **STATEMENT OF FACTS**

18 The Department was informed by Ms. Xie on April 18, 2012 that a change of
19 owner of this facility, previously operated as Cahill Winery, had occurred
20 and she, as the new owner, would continue to operate under Sonoma
21 County UP85-11380. The facility consists of a tasting room. A water supply
22 permit application was sent to Ms. Xie on April 25, 2012 that had a due date
23 of May 31, 2012. An employee of Lescure Engineers contacted the
24 Department on June 7, 2012 and requested an extension to the due date to
25 December 7, 2012. The Department agreed with this new due date. As of
26 this date, a water supply permit application has not been received.
27



DETERMINATIONS

THE DEPARTMENT HAS DETERMINED:

The System violated Title 22 of the CCR, Section 64001 and CHSC, Section 116525 in that the System failed obtain a water supply permit.

DIRECTIVES

Ektimo Wines LLC is hereby directed to take the following actions:

1. Comply with CCR, Section 64001 of Title 22 and CHSC, Section 116525 in the future.
2. Submit the enclosed water supply permit application items no later than **November 15, 2013**. The items to be submitted are noted on the Permit Application Requirements checklist.

The Department reserves the right to make such modifications to this Citation as it may deem necessary to protect public health and safety. Such modifications may be issued as amendments to this Citation and shall be effective upon issuance.

Nothing in this Citation relieves the System of its obligation to meet the requirements of the California Safe Drinking Water Act (CHSC, Division



1 104, Part 12, Chapter 4, commencing with Section 116270), or any
2 regulation, standard, permit or order issued thereunder.
3

4 All submittals required by this Citation shall be submitted to the Department
5 at the following address: Janice M. Thomas, P.E.
6 Department of Public Health
7 Drinking Water Field Operations Branch
8 50 D Street, Suite 200
9 Santa Rosa, CA 95404

10 **PARTIES BOUND**

11 This Citation shall apply to and be binding upon the System, its officers,
12 directors, agents, employees, contractors successors, and assignees.

13 **SEVERABILITY**

14 The directives of this Citation are severable, and the System shall comply
15 with each and every provision thereof notwithstanding the effectiveness of
16 any provision.

17 **FURTHER ENFORCEMENT ACTION**

18 Division 104, Part 12, Chapter 4, (commencing with Section 116270) of the
19 California Health and Safety Code authorizes the Department to: issue
20 additional citations with assessment of penalties if the System continues to
21 fail to correct a violation identified in a citation; take action to suspend or
22 revoke a permit that has been issued to a public water system if the System
23 has violated applicable law or regulations or has failed to comply with orders
24 of the Department; and petition the superior court to take various
25 enforcement measures against a public water system that has failed to
26
27



1 comply with orders of the Department. The Department does not waive any
2 further enforcement action by issuance of this citation.
3

4
5 Janice M. Thomas
6 Janice M. Thomas, P.E.
7 Sonoma District Engineer
8 Drinking Water Field Operations Branch

September 12, 2013
Date

9
10 Certified Mail No. 7012 2210 00021673 9964

11 c Sonoma County PRMD
12 Jim Tyler/Sonoma County Environmental Health Division

13 Enclosures: April 25, 2012 permit cover letter & Permit Application
14 Requirements Checklist (expired)
15 New Water Supply Permit Application packet
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